

EXHIBIT 2

SK:ALK
F. #2020R00209

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ JUN 18 2020 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----- X

LONG ISLAND OFFICE

UNITED STATES OF AMERICA

- against -

THOMAS BLAHA,
Defendant.

I N D I C T M E N T

C R 20 220

Cr. No. _____
(T. 18, U.S.C., §§ 2251(c), 2251(e),
2252(a)(2), 2252(a)(4)(B), 2252(b)(1),
2252(b)(2), 2253(a), 2253(b), 2423(b),
2428(a), 2 and 3551 et seq.; T. 21,
U.S.C., § 853(p))

----- X

AZRACK, J.

THE GRAND JURY CHARGES:

COUNT ONE
(Travel with Intent to Engage in Illicit Sexual Conduct) **TOMLINSON, M.J.**

1. On or about and between September 14, 2019 and September 26, 2019, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant THOMAS BLAHA, a United States citizen, did knowingly and intentionally travel in foreign commerce with a motivating purpose of engaging in illicit sexual conduct with another person, to wit: BLAHA traveled from Queens, New York to the Republic of the Philippines by airplane with a motivating purpose of engaging in a commercial sex act with Jane Doe, an individual under 18 years of age whose identity is known to the Grand Jury.

(Title 18, United States Code, Sections 2423(b) and 3551 et seq.)

COUNT TWO

(Travel with Intent to Engage in Illicit Sexual Conduct)

2. On or about and between October 10, 2019 and October 26, 2019, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant THOMAS BLAHA, a United States citizen, did knowingly and intentionally travel in foreign commerce with a motivating purpose of engaging in illicit sexual conduct with another person, to wit: BLAHA traveled from Queens, New York to the Republic of the Philippines by airplane with a motivating purpose of engaging in a commercial sex act with Jane Doe.

(Title 18, United States Code, Sections 2423(b) and 3551 et seq.)

COUNT THREE

(Sexual Exploitation of a Child)

3. In or about and between September 2019 and February 2020, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant THOMAS BLAHA, together with others, did knowingly and intentionally employ, use, persuade, induce, entice and coerce a minor, to wit: Jane Doe, to engage in sexually explicit conduct outside of the United States, its territories and possessions, for the purpose of producing one or more visual depictions of such conduct, intending that such visual depictions would be transported to the United States, its territories and possessions, using a means and facility of interstate and foreign commerce and mail, and which visual depictions were actually transported to the United States, its territories and possessions, using a means and facility of interstate and foreign commerce and mail.

(Title 18, United States Code, Sections 2251(c), 2251(e), 2 and 3551 et seq.)

COUNT FOUR
(Attempted Sexual Exploitation of a Child)

4. In or about and between September 2019 and February 2020, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant THOMAS BLAHA, together with others, did knowingly and intentionally attempt to employ, use, persuade, induce, entice and coerce a minor, to wit: Jane Doe, to engage in sexually explicit conduct outside of the United States, its territories and possessions, for the purpose of producing one or more visual depictions of such conduct, intending such visual depictions to be transported to the United States, its territories and possessions, using one or more means and facilities of interstate and foreign commerce and mail, and to transport such visual depictions to the United States, its territories and possessions, using one or more means and facilities of interstate and foreign commerce and mail.

(Title 18, United States Code, Sections 2251(c), 2251(e), 2 and 3551 et seq.)

COUNTS FIVE AND SIX
(Distribution of Child Pornography)

5. On or about the dates set forth below, within the Eastern District of New York and elsewhere, the defendant THOMAS BLAHA did knowingly and intentionally distribute one or more visual depictions, to wit: the digital images depicted in the following computer files:

<u>COUNT</u>	<u>FILE NAME</u>	<u>DATE</u>
FIVE	image-1407236179424010	September 19, 2019
SIX	image-655085861680951	September 26, 2019

using a means and facility of interstate and foreign commerce, which visual depictions had been mailed, and had been shipped and transported in and affecting interstate and foreign commerce, and which contained materials which had been mailed and so shipped and transported, by any means including by computer, the production of such visual depictions having involved the use of one or more minors engaging in sexually explicit conduct, and such visual depictions were of such conduct.

(Title 18, United States Code, Sections 2252(a)(2), 2252(b)(1) and 3551 et seq.)

COUNT SEVEN
(Possession of Child Pornography)

6. On or about December 18, 2019, within the Eastern District of New York, the defendant THOMAS BLAHA did knowingly and intentionally possess matter which contained one or more visual depictions, to wit: images stored on a Lenovo Yoga 900s laptop, that had been mailed, and had been shipped and transported using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, and which were produced using materials which had been mailed and so shipped and transported, by any means including by computer, the production of such visual depictions having involved the use of one or more minors engaging in sexually explicit conduct, and such visual depictions having been of such conduct.

(Title 18, United States Code, Sections 2252(a)(4)(B), 2252(b)(2) and 3551 et seq.)

**CRIMINAL FORFEITURE ALLEGATION
AS TO COUNTS ONE AND TWO**

7. The United States hereby gives notice to the defendant that, upon his conviction of either of the offenses charged in Counts One and Two, the government will

seek forfeiture in accordance with Title 18, United States Code, Section 2428(a), which requires the forfeiture of (a) any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of such offenses; and (b) any property, real or personal, constituting or derived from proceeds obtained, directly or indirectly, as a result of such offenses, including but not limited to: (i) one Lenovo laptop with serial number PF01ZPC8; (ii) one Samsung cellular phone with serial number R3CM709YQ5K; (iii) one iPad Pro with serial number DLXXP9HHK7RG; (iv) one MOBL hard drive with serial number MD2120GBFFSBSIL; (v) one Patriot Memory USB flash drive; (vi) one PNY SD card; (vii) one SanDisk Micro SD card; and (viii) one Kingston Micro SD card, all of which were seized from the defendant's residence in Garden City, New York on or about December 18, 2019 (together, the "Seized Property").

8. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be

divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 2428(a); Title 21, United States Code, Section 853(p))

**CRIMINAL FORFEITURE ALLEGATION
AS TO COUNTS THREE THROUGH SEVEN**

9. The United States hereby gives notice to the defendant that, upon his conviction of any of the offenses charged in Counts Three through Seven, the government will seek forfeiture in accordance with Title 18, United States Code, Section 2253(a), which requires the forfeiture of (a) any visual depiction described in Section 2251, 2251A, 2252, 2252A, 2252B or 2260 of Title 18 of the United States Code, or any book, magazine, periodical, film, videotape or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of such sections; (b) any property, real or personal, constituting, or traceable to, gross profits or other proceeds obtained from such offenses; and (c) any property, real or personal, used or intended to be used to commit or to promote the commission of such offenses or any property traceable to such property, including but not limited to the Seized Property.

10. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;

- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 2253(b), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

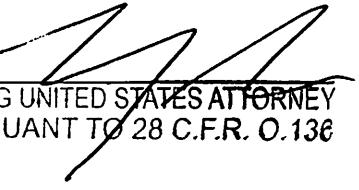
(Title 18, United States Code, Sections 2253(a) and 2253(b); Title 21, United States Code, Section 853(p))

A TRUE BILL



ROBIN REISS
FOREPERSON

RICHARD P. DONOGHUE
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

BY: 
ACTING UNITED STATES ATTORNEY
PURSUANT TO 28 C.F.R. O.136

F.#: 2020R00209
FORM DBD-34
JUN. 85

No.

UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

THOMAS BLAHA,

Defendant.

INDICTMENT

(T. 18, U.S.C., §§ 2251(c), 2251(e), 2252(a)(2), 2252(a)(4)(B),
2252(b)(1), 2252(b)(2), 2253(a), 2253(b), 2423(b), 2428(a), 2 and 3551 et
seq.; T. 21, U.S.C., § 853(p))

A true bill.

Robert Reiner ----- *Foreperson*

Filed in open court this ----- day,

of ----- A.D. 20 -----

----- *Clerk*

Bail, \$ -----

Anna L. Karamigios, Assistant U.S. Attorney (718) 254-6225